IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 97 OF 2007

IN

WRIT PETITION NO. 1713 OF 2005

FAKRUDDIN S. LOKHANDWALLA ..APPELLANT

V/S

M/S. GETWELL BOARD AND PAPER

PVT. LTD. & ANR. ..RESPONDENTS

MR. K.S. BAPAT I/B MR. S.S. PATHAK

& MR.T.R. YADAV - APP

MR.S.C. NAIDU WITH MR. ADITYA CHITALE, ADVOCATES FOR RESPONDENTS.

CORAM: D.K. DESHMUKH &

J.H. BHATIA, JJ.

DATE : 17TH JULY, 2007.

P.C.

1. By this Appeal the Appellant challenges the order passed by the learned Single Judge in Writ Petition No. 1713 of 2005 dated 17-7-2006. The learned Judge relying on the settled law that in proceedings under section 33(C)(2) of the Industrial Disputes Act claims cannot be adjudicated set aside the order passed by the Labour

Court and allowed the Petition. We do not find any illegality in the order. The Appeal cannot be entertained. It is however made clear that this order will not come in the way of the Appellant adopting appropriate remedy to have the claim adjudicated. In case such a remedy is adopted all contentions are kept open to be raised by both the sides in such proceedings.

2. The Appeal stands disposed of.

(D.K. DESHMUKH, J)

(J.H. BHATIA, J.)